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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-38

12 **ANJEANETTE CANARE,**  
13 **a.k.a. ANJEANETTE ARBOLEDA**  
14 **127 Wedgewood Drive**  
**San Diego, CA 92114**

**ACCUSATION**

15 **Registered Nurse License No. 522274**

16 Respondent.

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18  
19 Complainant alleges:

20 **PARTIES**

21 1. Heidi J. Goodman (Complainant) brings this Accusation solely in her official capacity  
22 as the Assistant Executive Officer of the Board of Registered Nursing, Department of Consumer  
23 Affairs.

24 2. On or about May 28, 1996, the Board of Registered Nursing issued Registered Nurse  
25 License Number 522274 to Anjeanette Canare, also known as Anjeanette Arboleda (Respondent).  
26 The Registered Nurse license was in full force and effect at all times relevant to the charges  
27 brought herein and will expire on April 30, 2010, unless renewed.  
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1           8.     Section 493 of the Code states:

2           "Notwithstanding any other provision of law, in a proceeding conducted by a board within  
3 the department pursuant to law to deny an application for a license or to suspend or revoke a  
4 license or otherwise take disciplinary action against a person who holds a license, upon the  
5 ground that the applicant or the licensee has been convicted of a crime substantially related to the  
6 qualifications, functions, and duties of the licensee in question, the record of conviction of the  
7 crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact,  
8 and the board may inquire into the circumstances surrounding the commission of the crime in  
9 order to fix the degree of discipline or to determine if the conviction is substantially related to the  
10 qualifications, functions, and duties of the licensee in question.

11           "As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and  
12 'registration.'"

13           9.     California Code of Regulations, title 16, section 1444, states:

14           "A conviction or act shall be considered to be substantially related to the qualifications,  
15 functions or duties of a registered nurse if to a substantial degree it evidences the present or  
16 potential unfitness of a registered nurse to practice in a manner consistent with the public health,  
17 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

18           ". . . .

19           "(c) Theft, dishonesty, fraud, or deceit.

20           ". . . ."

21           10.    Section 1445 of the Regulations states:

22           "(a) When considering the denial of a license under Section 480 of the code, the board, in  
23 evaluating the rehabilitation of the applicant and his/her present eligibility for a license will  
24 consider the following criteria:

25                   (1) The nature and severity of the act(s) or crime(s) under  
26 consideration as grounds for denial.

27                   (2) Evidence of any act(s) committed subsequent to the act(s)  
28 or crime(s) under consideration as grounds for denial which also

1 could be considered as grounds for denial under Section 480 of the code.

2 (3) The time that has elapsed since commission of the act(s) or  
3 crime(s) referred to in subdivision (1) or (2).

4 (4) The extent to which the applicant has complied with any terms  
5 of parole, probation, restitution, or any other sanctions lawfully imposed  
6 against the applicant.

7 (5) Evidence, if any, of rehabilitation submitted by the applicant.

8 (b) When considering the suspension or revocation of a license  
9 on the grounds that a registered nurse has been convicted of a crime, the  
10 board, in evaluating the rehabilitation of such person and his/her  
11 eligibility for a license will consider the following criteria:

12 (1) Nature and severity of the act(s) or offense(s).

13 (2) Total criminal record.

14 (3) The time that has elapsed since commission of the act(s)  
15 or offense(s).

16 (4) Whether the licensee has complied with any terms of parole,  
17 probation, restitution or any other sanctions lawfully imposed against  
18 the licensee.

19 (5) If applicable, evidence of expungement proceedings  
20 pursuant to Section 1203.4 of the Penal Code.

21 (6) Evidence, if any, of rehabilitation submitted by the licensee.”

22 **COST RECOVERY**

23 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
24 administrative law judge to direct a licentiate found to have committed a violation or violations of  
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
26 enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(May 21, 2008, Criminal Conviction for Petty Theft on December 18, 2007)**

3 12. Respondent's license is subject to disciplinary action under Code sections 490 and  
4 2761, subdivisions (a) and (f), in that Respondent was convicted of a crime which is substantially  
5 related to the qualifications, functions, or duties of a registered nurse, as set forth below.

6 13. On or about May 21, 2008, in the Superior Court of California, County of San Diego,  
7 in the case entitled People of the State of California v. Anjeanette A. Canare, Case No. S216046,  
8 Respondent was convicted on her plea of guilty of violating Penal Code sections 487 (a) (grand  
9 theft). The facts and circumstances of the convictions are as follows.

10 14. On or about December 18, 2007, in the City of San Diego, Respondent stole personal  
11 property from a Macys department store, as follows. Respondent entered the Macys store with  
12 empty Macys shopping bags and a pair of scissors in her purse, with the intent to steal  
13 merchandise from the store. Respondent selected several items of merchandise and clothing.  
14 Respondent took the selected items into a dressing room, including a Coach peruse, a black purse,  
15 a fragrance gift set, a watch, stuffed animals, and children's clothing. While in the dressing room,  
16 Respondent took an empty Macys shopping bag out of her purse and filled it with the new  
17 merchandise she had selected. Respondent also used her scissors to remove the security tag from  
18 the Coach purse that she intended to steal. Respondent exited the dressing room and proceeded to  
19 walk out of the store without attempting to pay for the items in the Macys bag. Respondent was  
20 arrested and transported to the Chula Vista Police Department.

21 15. On or about May 21, 2008, Respondent was sentenced to two (2) years summary  
22 probation, and ordered to pay fines.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(April 20, 2009 Criminal Conviction for Petty Theft on March 11, 2009)**

25 16. Respondent's license is subject to disciplinary action under Code sections 490 and  
26 2761, subdivisions (a) and (f), in that Respondent was convicted of crimes which are  
27 substantially related to the qualifications, functions, or duties of a registered nurse, as set forth  
28 below.

17. On or about April 20, 2009, in the Superior Court of California, County of San Diego, in the case entitled People of the State of California v. Anjeanette A. Canare, Case No. M073604, Respondent was convicted on her plea of guilty of violating Penal Code sections 484 (a)/488 (petty theft with prior). The facts and circumstances of the convictions are as follows.

18. On or about March 11, 2009, in the City of San Diego, Respondent stole personal property from a JC Pennys department store, as follows. Respondent took some clothing into a dressing room. While in the dressing room, Respondent took off her sweatshirt, put on a new T-shirt that she had not paid for, and put her sweatshirt on over the T-shirt that she intended to steal. Respondent then put the remaining new items into her purse. Respondent proceeded to walk out of the store without attempting to pay for the T-shirt she was wearing or the items she had put into her purse. Respondent was arrested and transported to Las Colinas jail.

19. On or about April 20, 2009, Respondent was sentenced to three (3) years summary probation, and ordered to pay fines.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:


1. Revoking or suspending Registered Nurse License Number 522274, issued to Anjeanette Canare, aka Anjeanette Arboleda.

2. Ordering Anjeanette Canare to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED:

7/23/09

  
HEIDI Y. GOODMAN  
Assistant Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*